

## REMARKS

Applicant has amended the above application to place it in full condition for allowance for the reasons indicated below.

The title, specification and claim have all been amended for clarification to explicitly include the flexible, rubber-like and hence versatile, multi-gauge nature of applicant's attachment device, already noted in paragraph 2 of Objects and Advantages and throughout the rest of the original application.

Original claim 1 has been replaced by claim 2 to clarify three other aspects of applicant's multi-gauge attachment device. First, per the Summary in the original application, clause (d) has been amended to recite that the barrel will not necessarily be perpendicular to the base/sleeve-clamp although the preferred embodiment employs such orientation. Second, clause (e) has been amended with the substitution of "is secured" for "can be secured" to recite that a rubber-like multi-gauge attachment device holding pinwheels onto vehicles in motion requires rather than recommends additional strapping means. This amendment is based on the obvious need for ties securing flexible sleeve-clamps onto vehicles in motion when wind is in such play, this same application, for vehicles in motion, being the original purpose for the device itself, mentioned throughout the original application, and indeed mentioned again, with the assumption of wind and gravity in play, as their express purpose at the end of this same original clause (e), albeit partially in terms of the preferred embodiment, (e): "said mount will thereby be able to hold said post in a vertical, upright orientation." Third, clause (e) has also been amended to recite, per paragraph 3 of Conclusions, Ramifications, and Scope in the original application, that this multi-gauge attachment device can include a pair of any ties or other strapping means and not necessarily just cable ties.

New independent claim 8 has been written to include in one independent claim all the elements of the preferred embodiment.

New dependent claims 3, 4, 9, and 10, per paragraph 3 of Conclusions, Ramifications and Scope in the original application, clarify that applicant's multi-gauge attachment device can include a plurality of

plastic cable ties or other strapping means with 3 and 9 addressing specifics of the cable ties and 4 and 10 addressing the possible spectrum of other strapping means.

New dependent claim 5, per paragraph 3 of Conclusions, Ramifications, and Scope in the original application, clarifies that when it comes to the enhanced, more secure and durable positioning of the ties or other strapping means, this multi-gauge attachment device can include other tie-positioning recesses and not necessarily just grooves, slots and holes.

New dependent claim 6, per paragraph 3 of Conclusions, Ramifications and Scope in the original application, clarifies that this device can have a plurality of ties or other strapping means and a matching plurality of tie-positioning recesses.

New dependent claims 7 and 11, per paragraph 3 of Conclusions, Ramifications and Scope in the original application, clarify that this device can have a plurality of ties or other strapping means, the same plurality of tie-positioning recesses, and a hollow, post-receiving barrel that is not made together with and out of the same rubber-like material as the rest of the multi-gauge attachment device, and hence is stiff and inflexible.

The third paragraph of Detailed Description of the Preferred Embodiment has been amended to correct a typographical error, a part described with numeral 11 which should have been numeral 31. Thus, there is no missing part 11; the submitted drawings remain correct and complete.

**The Rejection of Claim 1 On Gould Under § 102(b) Is Overcome**

Claim 1 was rejected on Gould under §102. Applicant has replaced claim 1 with claim 2 and submits that Claim 2 clearly defines over Gould under §102 and is patentable over Gould under §103 for reasons below.

**Applicant's Multi-Gauge Attachment Device**

Applicant's multi-gauge attachment device, made from a flexible, rubber-like material, has a hollow, post-receiving barrel for holding pinwheels, mini-flags and other objects supported by posts, a C-

shaped sleeve-clamp, and a pair or more of ties or other strapping means which go over or through the sleeve-clamp. As a result, one model of applicant's device can, as with its preferred embodiment, attach a highly reflective pinwheel most anywhere on the tubular frames of bicycles, bicycle trailers, tricycles, scooters, strollers, wheelchairs, golf carts, go-karts, dune buggies or other vehicles and products with tubular components. Applicant's multi-gauge attachment device can not only theoretically be attached anywhere on the 360 degree circumference of any tubular component but in the case of a pinwheel which is usually not glued to its support stick, the pinwheel can also be rotated 360° in any direction to face the wind and thus also the eyes of oncoming and following traffic.

Thus applicant's multi-gauge attachment devices could mount, as with the preferred embodiment, pinwheels so with their reflective petals facing the wind, oncoming and following traffic, they would stick out sideways from narrower-than-handlebar rear and front wheel forks of bicycles, tricycles, jogger strollers, or stick out sideways from the sides of bicycle trailers, regular strollers, go-karts, golf carts, etc. thus making their riders safer by being so eye-catching, night and day, to other motorists, riders, cyclists and pedestrians.

#### **Gould**

Gould shows a thermoplastic, necessarily stiff C-shaped "tubular element adapted to be force-fitted upon a perch" without anything else to secure it. As a result, one model of Gould's devices can only attach securely to tubing roughly as wide or slightly wider than its inside diameter. If snapped over tubing whose inside diameter is substantially wider, because of its own stiffness and hence tendency to return to shape, it will soon crack, then under additional pressure from wind and gravity, break and fall off. If it's snapped over tubing narrower than its inside diameter, it will soon slide and/or hang down, again from wind and gravity.

Gould's device also has a "pin shank extending laterally from the outer surface of said tubular element" with "spinning member revolvably mounted on the pin shank". In other words, because Gould's pin shank sticks directly out from its tubular element/sleeve-clamp and does so necessarily at a right angle so the petals can spin freely, the petals can only face in that one, same 90 degree direction relative to their tubular element/sleeve-clamp.

**Applicant's Multi-Gauge Attachment Device Differs Generally From Gould's**

Applicant's multi-gauge attachment device differs generally from Gould's. Applicant's device is made from a flexible, rubber-like material whereas Gould's is made from a stiff thermoplastic. Applicant's device employs ties or other strapping means to further secure it to its tubular support whereas Gould's employs no such strapping means. Applicant's device has a hollow, post-receiving barrel for accommodating different posts supporting different objects such as pinwheels and mini-flags whereas Gould's device has no such barrel but only a pin shank, integral with its tubular element, that is designed to only hold one pinwheel flush against said element.

**Applicant's New Claims Are Patentable Over Gould**

Applicant submits that his new main claims 2 and 8 are patentable over Gould because Applicant's claims recite novel subject matter over Gould and this novel subject matter produces new, unexpected and superior results and is therefore unobvious.

**Applicant's Main Claims Recites Novel Subject Matter Over Gould under §102.**

Applicant's new main claims 2 and 8 recite novel subject matter over Gould under §102.

First, claims 2 and 8 recite a rubber-like sleeve-clamp which flexibly wraps around a range of different gauge elongated mounting support and a hollow, post-receiving barrel extending out from the sleeve-clamp which can hold various objects supported by posts. These features are novel over Gould because Gould's device involves a thermoplastic, necessarily stiff tubular element/sleeve-clamp which is force-fitted over an elongated tubular support, and a pin shank extending out from the sleeve-clamp.

Claims 2 and 8 also recite ties or other strapping means to secure applicant's flexible multi-gauge attachment device to various gauge tubular supports while Gould's device includes no such additional means for enhancing its attachment to even one gauge of tubular support let alone various gauges.

Claim 8 also recites circumferential grooves, holes or other tie-positioning recesses into which the ties or other strapping means fit into or pass through. These recesses further enhance and make more durable the attachment of applicant's device by minimizing any sideways movement and hence

loosening of the ties, issues that come up sooner or later with time and usage. The new, unexpected and superior results provided by these tie-positioning recesses is a tighter attachment for a longer time. Thus, it increases the time until a consumer would need to tighten their existing ties or attach new ones.

**This Novel Subject Matter Produces New, Unexpected and Superior Results and is Therefore Unobvious under §103.**

The novel subject matter of applicant's multi-gauge attachment device--a flexible, rubber-like sleeve clamp, a plurality of ties or other strapping means and a post-receiving hollow barrel which can hold various objects supported by posts--all work together to provide new, unexpected, and superior results over Gould's device.

With the preferred embodiment as an example, one model of applicant's device can do the following. It can attach a reflective, eye-catching safety pinwheel on a stick to most anywhere tubular on a bicycle, bicycle trailer, tricycle, scooter, stroller, wheelchair, wagon, children's ride-on, toy truck and car, dune buggy, go-kart etc. -- be that the standard gauge handlebars, the more often than not thicker main frames, the thinner front and rear wheel forks of bikes, the various gauge sides of strollers, bicycle trailers, go-karts, the tops of dune buggies, golf carts, the front shafts of scooters, etc. Furthermore, for even more visibility and versatility, applicant's device could not only hold these pinwheels on sticks so they could stick out perpendicularly some distance away from most anywhere on the frames of the above vehicles but their petals could be rotated in any direction to face the wind as most are unglued to their sticks, so thus facing the wind they could most effectively expose their reflective front and backsides into the eyes of oncoming and following traffic.

One model of applicant's multi-gauge attachment device can also attach to the tubular part in between the creases in a helmet, to fences, cribs, lamps etc. Indeed, because of the flexibility inherent in the novel subject matter of applicant's device, people and children in their creativity will come up with not only new and unexpected places to attach them to, on both existing and future vehicles and products, but people will also come up with new and unexpected things to stick inside them. Thus, applicant's multi-gauge attachment device also, compared to Gould's device, makes a superior gift.

In contrast, Gould's devices are limited in multiple ways. First, one model will only work for all practical purposes on one gauge of tubing whereas most vehicles are made from various gauge tubing. Then, because Gould's devices don't have hollow, post-receiving barrels and so its pinwheel petals can only face out in one 90 degree direction from their tubular support, for top speed of rotation along with the best exposure of its petals to oncoming traffic it's further limited by only being able to be attached to tubular components that perpendicularly face the wind such as handlebars or front wheel forks, thus leaving out the sides of strollers, trailers, the back-slanting rear wheel forks of bicycles, tricycles, helmets, etc. Even in its best application, on handlebars and front wheel forks, it's still somewhat blocked from being seen by following traffic by the handlebars and front forks themselves, not to mention as with scooters where it's also partially blocked by the riders. Finally, again, because Gould's devices don't have hollow, post-receiving barrels they can't hold new pinwheels, mini-flags and other post-supported objects, let alone allow people to change and switch these objects around whenever they want.

In conclusion, all of the novel subject matter of applicant's device combine together to give many new, unexpected and superior results in comparison to Gould's.

**The Dependent Claims are *A Fortiori* Patentable over Gould**

The dependent claims are *a fortiori* patentable over Gould as they incorporate all of the subject matter of claims 2 and 8 and are independently patentable because they produce new, unexpected and superior results.

With Gould's device, the stiff thermoplastic nature of the C-shaped device itself is the only element ensuring it stays "force-fitted" to and stable in relation to its tubular support. This means that it can only be attached to a very narrow range of gauge tubing that is roughly as wide or slightly wider than its inside diameter and it has no additional feature that prevents any circumferential movement under wind pressure. Dependent claims 3, 4 and 10 are independently patentable over Gould because both the specific strength, plurality and variety of ties or other strapping means will yield superior results over Gould in terms of both enabling and enhancing the attachment of applicant's device to a variety of different gauge tubing in very high wind and/or stress applications, such as with flags on motorcycles,

and will yield unexpected results in applications that people in their creativity might come up with in the future.

Dependent claims 5 and 6 are independently patentable over Gould because their ties and corresponding tie-positioning recesses further enhance and make more durable this attachment by minimizing the sideways movement and hence the loosening of the ties, issues that come up sooner or later with time and usage. The new, unexpected and superior results provided by these tie-positioning recesses is a tighter attachment for a longer time. Thus, it increases the time until a consumer would need to tighten their existing ties or attach new ones.

Dependent claims 7 and 11 are independently patentable over Gould because their combination of a plurality of ties with corresponding tie-positioning recesses and a stiff, inflexible, hollow post-receiving barrel will yield superior results in applications with very high wind and/or stress, such as with flags on motorcycles, and will yield unexpected results when people in their creativity come up with other high wind and stress applications in the future.

Independent claim 8 and its dependent claims contain the same and additional limitations as the claims dependent on claim 2 and thus also are novel and patentable over Gould.

#### **The References Of Interest**

Applicant has reviewed the references of interest, but submits that these are less relevant than Gould and that therefore the claims *a fortiori* define novel and unobvious structure over these references.

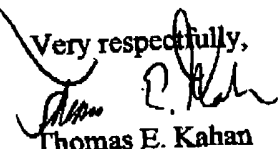
#### **Conditional Request for Constructive Assistance.**

Applicant has made a diligent effort to amend the claims of this application so that they define novel structure which is also unobvious. If, for any reason, the Examiner believes that the claims of this application are not yet in full condition for allowance, applicant respectfully requests her constructive assistance and suggestions pursuant to the spirit of MPEP 2173.02 and 707.07(j) This will enable the undersigned to place this application in fully allowable condition as soon as possible and without the

Amendment A, contd. Ser. No. 10/772,057 (Kahan) GAU 3632 2

need for further proceedings. The Examiner is authorized to make any needed minor corrections or changes.

Very respectfully,

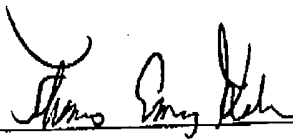
  
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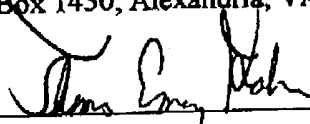
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In the United States Patent and Trademark Office

Serial Number: 10/772,057  
Appn Filed: FEB. 3, 2004  
Applicant(s): THOMAS E. KAHAN  
Appn Title: FLEXIBLE MULTI-GAUGE ATTACHMENT DEVICE  
Examiner/GAU: AMY JO STERLING/3632  
Mailed: FEB. 22, 2005  
At: ALAMEDA, CA

Petition for Extension of Time  
(Rules 136 and 17(a)-(d))

Outstanding Office Action Mailed 2005, OCT-1  
Original Period for Response Expired 2005, JAN-1  
Request for Extension of 2 Month(s) to 2005, MARCH 1  
Sml. Ent. Petn. Fee Enc.: ☐ \$ (1 mo.); ☒ \$ 225 (2 mo.); ☐ \$ (3 mo.); ☐ \$ (4 mo.)

Commissioner for Patents  
Washington, District of Columbia 20231

Sir:

In the above application, applicant(s) respectfully petition that the period for response to the outstanding Office Action indicated above be extended for the additional month(s), also indicated above. A response to such Office Action and the above Petition Fee (Small Entity) are enclosed herewith. (This extension will not extend the time over the statutory period of six months from the date of the Office Action.)

Very respectfully,

Applicant(s):

c/o:

Tel.: 510/777-0955; 510/777-5211 (cell)

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Date: 2005, FEB 22, Thomas E. Kahan, Applicant

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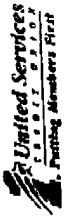
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